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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200450
Party	Defendant Dropbox, Inc.
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Attachments	Box.Net v DropBox Inc TTAB -- Answer to Notice of Opposition.PDF (5 pages) (10611 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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BOX.NET, INC.,)	
)	Opposition No: 91200450
Opposer,)	
)	APPLICANT’S ANSWER TO
v.)	NOTICE OF OPPOSITION
)	
DROPBOX, INC.,)	
)	Serial No. 77817716
Applicant.)	
)	
)	
)	

Dropbox, Inc. (“Applicant”), through its undersigned attorneys, hereby submits this Answer to the Notice of Opposition filed by Box.net, Inc. (“Opposer”) in the above-mentioned proceeding. Unless expressly admitted herein, each allegation contained in the Notice of Opposition is denied.

1. Paragraph 1 of the Notice of Opposition states a legal conclusion. To the extent it is construed as an allegation of fact, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation.
2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Notice of Opposition and on that basis denies those allegations.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Notice of Opposition and on that basis denies those allegations.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Notice of Opposition and on that basis denies those allegations.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Notice of Opposition and on that basis denies those allegations.

7. Paragraph 7 of the Notice of Opposition states legal conclusions. To the extent they are construed as allegations of fact, Applicant denies the allegations. The USPTO documents attached to the Notice of Opposition as exhibits speak for themselves.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Notice of Opposition and on that basis denies those allegations.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Notice of Opposition and on that basis denies those allegations.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Notice of Opposition and on that basis denies those allegations.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Notice of Opposition and on that basis denies those allegations.

12. Paragraph 12 of the Notice of Opposition states a legal conclusion. To the extent it is construed as an allegation of fact, Applicant denies the allegations.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Notice of Opposition and on that basis denies those allegations.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Notice of Opposition and on that basis denies those allegations.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Notice of Opposition and on that basis denies those allegations.

16. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Notice of Opposition and on that basis denies those allegations.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Notice of Opposition and on that basis denies those allegations.

18. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 of the Notice of Opposition and on that basis denies those allegations.

19. Paragraph 19 of the Notice of Opposition states a legal conclusion. To the extent it is construed as an allegation of fact, Applicant denies the allegation.

20. Applicant denies the allegations in Paragraph 20 of the Notice of Opposition.

21. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 of the Notice of Opposition and on that basis denies those allegations.

22. Applicant denies the allegations in Paragraph 22 of the Notice of Opposition.

23. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Notice of Opposition with respect to Opposer's belief. Applicant otherwise denies the allegations.

24. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Notice of Opposition and on that basis denies those allegations.

First Affirmative Defense

25. The Notice of Opposition fails to set forth facts sufficient to entitle Opposer to the relief sought.

Second Affirmative Defense

26. The Notice of Opposition is barred by the doctrine of laches.

Third Affirmative Defense

27. The Notice of Opposition is barred by the doctrine of waiver.

Fourth Affirmative Defense

28. The Notice of Opposition is barred by the doctrine of acquiescence.

Fifth Affirmative Defense

29. The Notice of Opposition is barred by the doctrine of estoppel.

Sixth Affirmative Defense

30. The Notice of Opposition is barred by the doctrine of unclean hands.

Dated: August 5, 2011

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: /John L. Slafsky/
John L. Slafsky

Attorneys for Applicant
DROPBOX, INC.

Please address all communications concerning this proceeding to:

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CERTIFICATE OF SERVICE BY MAIL

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Brian R. Coleman
Perkins Coie, LLP
3150 Porter Drive
Palo Alto, CA 94304

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on August 5, 2011.

/s/ Elvira Minjarez

Elvira Minjarez